

REMARKS

Applicants thank the Examiner for the thorough examination given the present application.

Claims 2, 4-9, 11-13 and 15-19 are pending. Independent claims 13 and 17 are amended to recite "the fineness of the ultra fine fibers of the woven or knitted fabric layer is **less than** the fineness of the ultra fine fibers of the non- woven fabric layer", which is supported by the present specification (e.g., Examples). Also, the Declarations filed on November 11, 2007, August 8, 2008 and January 1, 2009 are evidence of unexpected results which is commensurate in scope with such amended claims. Thus, no new matter is introduced.

Reconsideration of the present application, as amended, is respectfully requested.

Statement of the Examiner's Interview

Applicants greatly appreciate the Examiner for the courtesies to Applicant's representative during the Interview on August 5, 2010. During the discussion, the Examiner proposed amendments to the claims in order to overcome the prior art rejections. Thus, the claims have been amended in the manner discussed during the Interview. In particular, independent claims 13 and 17 have been amended to recite that the fineness of the ultra fine fibers of the woven or knitted fabric layer is **less than** the fineness of the ultra fine fibers of the non-woven fabric layer. Accordingly it is respectfully submitted that the pending claims are allowable.

Claim Rejections under 35 USC §§ 102(b)/103(a)

The Examiner has rejected the following claims under 35 USC 102(b)/103(a):

(A) Claims 2, 4, 5, 9, 11, 13, 15 and 17-19 under 35 USC 102(b) as anticipated by or in the alternative under 35 USC 103(a) as obvious over Mizoguchi '468;

- (B) Claims 6-9, 12 and 16-18 under 35 USC 103(a) as obvious over Mizoguchi '468 in view of Honda '429;
- (C) Claims 6-9 under 35 USC 103(a) as obvious over Mizoguchi '468 in view of Ijima '469;
- (D) Claims 2, 4, 5, 9, 11, 13, 15 and 17-19 under 35 USC 103(a) as obvious over Mizoguchi '468 in view of Minemura '095, Ikeda '663, Nakagawa '529 or Okamoto '678;
- (E) Claims 6-9, 12 and 16-18 under 35 USC 103(a) as obvious over Mizoguchi '468 in view of Minemura '095, Ikeda '663, Nakagawa '529 or Okamoto '678 and further in view of Honda '429;
- (F) Claims 6-9 under 35 USC 103(a) as obvious over Mizoguchi '468 in view of Minemura '095, Ikeda '663, Nakagawa '529 or Okamoto '678 and further in view of Ijima '469; and
- (G) Claims 2, 4-9, 11-13 and 15-19 under 35 USC 103(a) as obvious over Honda '429 in view of Minemura '095, Ikeda '663, Nakagawa '529 or Okamoto '678.

Rejections (A)-(G) are respectfully traversed.

As explained above, since the present claims are patentably distinct from the cited references either taken individually or in combination, and as such, the pending rejections (A)-(G) are moot. Reconsideration and withdrawal thereof are accordingly respectfully requested.

Conclusion

In view of the above remarks, Applicants believe that pending application is now in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq.

Application No. 10/501,910
Amendment dated August 13, 2010
Reply to the Office Action dated April 14, 2010


Docket No.: 3254-0121PUS1

(#43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: August 13, 2010

Respectfully submitted,

By  **GARTH M. DAHLEN**
USPTO #43,575
James T. Eller, Jr.
Registration No.: 39,538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant